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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,879	06/27/2003	Masaaki Nakai	15162/05520	7077

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EXAMINER

LAY, MICHELLE K

ART UNIT PAPER NUMBER

2672

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/607,879		NAKAI ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Michelle K. Lay		2672	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                             |                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                        | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>120204</u> . | 6) <input type="checkbox"/> Other: ____                                                |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: S73 in Fig. 7. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 - 2, and 4 - 9 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,088,737 to Yano et al.

Regarding claims 1, 2, 6 - 9, Yano et al. teaches an image system that broadcasts picture data by utilizing a computer network. Referring to Fig. 8, a workstation (101) is realized by connecting a CPU (102) with a main memory (103) via a computer bus (104). In addition, a hard disk (105) serving as a secondary memory for storing programs for the software (110, 111, 112, 113) in the main memory (103), a video camera (106) for inputting/outputting an image, display (107), keyboard (108) and a mouse (109) for allowing operator control are also connected via a respective interface [column 10, lines 61 – 67; column 11, lines 1 – 4]. The hard disk (105) is understood to be a computer-readable recoding medium (claim 8) and may also contain storage and control data supplying a means for selecting images from a set of stored images located within the main memory (103) (claims 1 and 6). This may also extend to selecting the terminal in which the selected images may be sent to via the network (claim 2 and 9). A plurality of workstations may be used as illustrated in Fig. 9. As shown, multiple clients (1004, 1005, 1007) may be connected to the servers (1001, 1003, 1006) of the system via a network (1010).

Referring to claim 4, Yano et al. discloses a relay server (111) as illustrated within Fig. 8. The relay server (111) receives the picture data from the image server (110) and relays the data to other relay servers and an image viewer (112). The main function of the relay server (111) is to convert the quality of the picture data in accordance with a request from the image viewer (112) [column 11, lines 10 – 15]. This conversion may be used to enhance the image as described.

In regards to claim 5, the system taught by Yano et al. provides a monitor server [Fig. 8 (113)] that is an independent server program that serves to monitor the operation states within the system [column 11, lines 21 –24]. The monitor server (113) is configured with internal software modules that perform respective processing by utilizing information added to the notification message [column 11, line 66]. In this regard, instructions may be included in the notification message to transmit images at a specified interval as described.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent no. 6,088,737 to Yano et al. in view of US Patent No. US 6,266,442 B1 to Laumeyer et al.

Yano et al. teaches the claimed limitation of claim 3 with the exception of describing a classification of the images. However, Laumeyer et al. discloses a method and apparatus for identifying objects depicted in a video stream. As taught by Laumeyer et al., the detected images are assigned to an "image list" by sequentially attempting to match "closely separated" pairs of images in an octree space of common classification, generating the classification lists [column 13, lines 54 – 57].

Therefore, it would have been obvious to one in the art at the time the invention was made to combine the image system of Yano et al. with the classification method and apparatus of Laumeyer et al. because the classification would provide better organization of the incoming images so that users can access images of their choosing and save time and effort by not having to scan through unwanted images.

4. Claims 10 - 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. US 2003/0069801 A1 to Che-Mponda et al. in view of US Patent No. US 6,674,877 B1 to Jojic et al.

Che-Mponda et al describes the claimed limitations of claims 10 - 17 with the exception of teaching a tracking system to automatically capture a specific object of interest. However, Jojic et al. discloses a system for digitally tracking objects in real time.

Che-Mponda et al. describes an imaging system that provides an interface for uploading digital images onto the network (for storage or display), previewing these images online and selecting specific digital images that were previously uploaded, and then previewing the selected images and manipulating them [0029]. These images may be captured via a digital camera, video camcorder, scanner, or fax machine and be viewed on image display stations such as mobile/transportable devices (e.g. cellular phones, PDAs or other display appliances, televisions or projection screens) [0026]. Furthermore, the system includes an image archive image system composed of a server that provides online image archive storage. This server may store images as agreed (chosen) by the user [0043]. Che-Mponda et al. mentions the system may

support a variety of front-end applications, including web-based applications [0035].

This may extend to an electronic photo album comprised of the selected images.

Jojić et al. discloses the use of remote devices that are linked through a communications network for digitally tracking static and dynamic three-dimensional objects [column 4, line 29]. The system formulates tracking of the object as an inference issue in the image formation model [page 3, line 65] providing a means to capture images specified by certain criteria (claims 12 and 15).

Therefore, it would be obvious to one in the art at the time the invention was made to combine the imaging system of Che-Mponda et al. with the tracking system of Jojić et al. because this would provide a time saving and convenience factor to the user for obtaining an image set of a desired object (claims 11 and 14). It would also aid in memory savings by only capturing the preferred images. The imaging system would offer a common interface allowing interconnection of products/services from numerous image systems, such as electronic photo albums. It would also promote uniform connectivity for imaging related functions across the communication network, and improve maintainability and configuration connectivity [Che-Mponda et al., 0008].

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle K. Lay whose telephone number is (703) 305-0887. The examiner can normally be reached on Monday through Friday from 7:30 am to 4:00 pm.

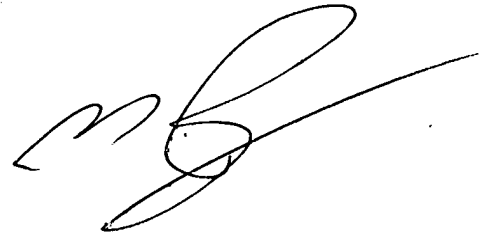
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached via (703)305-4713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mkl



12.03.2004



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